

REMARKS

Claims 1 through 3 and 5 through 15 are now pending. In response to the Office Action, dated April 22, 2003, claim 4 has been cancelled, claims 1 through 3 and 5 through 13 have been amended, and new claims 14 and 15 have been added. Care has been taken to avoid the introduction of new matter. In addition, an English language translation of Japanese Application Number 2000-248627, for which the right of foreign priority has been claimed, is filed herewith. Favorable reconsideration of the application and allowance thereof are respectfully solicited.

Objection has been made to claims 5 and 8 for their dependence from rejected parent claim 1. Claims 5 and 8 were indicated to be allowable if presented in appropriate independent form. In response, claims 5 and 8 each have been rewritten in independent form, including the recitation of original claim 1. Allowance of claims 5 and 8 is respectfully solicited.

Claims 1, 4, 6, 7, 9, 10, 12 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa, of record (published U.S. Patent Application 2002/0001123). The rejection is set forth at paragraph 1, pages 2-4, of the Office Action. Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa in view of the Galeener publication, of record, as set forth at paragraph 2 of the Office Action. Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Miyakawa in view of U.S. patent 6,292,288 (Akasaka), of record, as stated at paragraph 3 of the Office Action. Miyakawa is the primary reference relied upon in each rejection. The Office Action states: "Applicant cannot rely upon the foreign priority papers to overcome this rejection because a translation of said papers has not been made of record in accordance with 37 CFR 1.55. See MPEP § 201.15."

A translation of the certified copy of the priority document is filed herewith. This application, therefore, is entitled to the benefit of foreign priority. The filing date of the Japanese

Application Number 2000-248627, August 18, 2000, predates the June 21, 2001 filing date of Miyakawa.

Independent claim 1 has been amended to recite, *inter alia*,:

wherein said first and second optical fibers . . . have different wavelength ranges for amplification . . . .

The remaining independent claims, 11 through 13, now recite substantially the same language. Dependent claims 2, 3, 6, 7, 9 and 10 have been amended in a non-substantive manner to be consistent with the language of claim 1. New claims 14 and 15, dependent from claim 1, have been added.

Each of claims 1 through 4, 6, 7 and 9 through 15 requires a plurality of optical fibers that have gain in different wavelengths. As described at the second paragraph of page 6 in the specification, for example, because the Stokes shift of these optical fibers differs from each other, the gain of Raman amplification is in a different wavelength range in each of these optical fibers. Miyakawa does not disclose or suggest enlarging a wavelength range or ranges for amplification, nor does either Galeener or Akasaka. It is submitted, therefore, that claims 1 through 4, 6, 7 and 9 through 15, as now amended, are patentably distinguishable. Withdrawal of the rejections of these claims, therefore, is respectfully solicited. Moreover, the Japanese application, upon which foreign priority has been claimed and translation submitted, supports at least claims 1, 5 through 10, 12, 14 and 15, thereby rendering Miyakawa inoperative as a prior art reference as to at least these claims.

In summary, it is submitted that all rejections and objections of record have been overcome. Allowance of the application is respectfully solicited.